

STATE OF WEST VIRGINIA
THIRTEENTH JUDICIAL CIRCUIT
OFFICE OF THE COURT MONITOR
STATE CAPITOL COMPLEX
BUILDING 6, ROOM 850
CHARLESTON, WEST VIRGINIA 25305



LOUIS H. BLOOM
JUDGE

DAVID G. SUDBECK
COURT MONITOR

MEETING OF THE PARTIES

In E.H., et al., v. Khan Matin, et al.

WEDNESDAY, NOVEMBER 30, 2011

MINUTES

PRESENT: Allen Campbell, Kevin Stalnaker, Vickie Jones, Cindy Beane, Jennifer Wagner, Dee Weston, Wendy Elswick, Regenia Mayne, Belle Manjong, Teresa Brown, David G. Sudbeck, Sheila Kelly, dan connery

I. COURT MONITOR REPORT

David Sudbeck reminded the Parties of the Court Hearing scheduled for December 9, 2011 at 9:30 a.m.

He distributed the Legal Aid of West Virginia Audit of Mildred Mitchell Bateman Hospital and requested the Parties to review and forward any questions to Bill Albert. He inquired if the telephones at Bateman were inaccessible at night as was alleged in the report, and was assured by Kevin Stalnaker that an answer would be forthcoming.

A lengthy discussion occurred regarding alternative use of the funding for the twenty-seven unused residential slots described in the Agreed Order. Though these funds were initially intended to provide residential supports, data supplied by Sheila Kelly showed that present residential slots were not as yet all filled, which is perhaps understandable as several of the Year Two Centers have not had funding for an entire year as yet. She suggested however that given that acute care for substance abuse/co-occurring disorders seems to be an urgent need, funding for the unassigned slots could be used more effectively in other ways than residential if the goal of the funding is to reduce overcrowding and high rates of admission to inpatient psychiatric facilities. WVA feels strongly that housing is a significant problem in assisting individuals to leave the hospital but is willing to consider alternative uses of the funding.

The BHHF had asked the Provider's Association for suggestions for use of the funds however the providers simply suggested dividing the money equally among the thirteen comprehensive centers, primarily for employment of more care coordinators. None of the members of the Parties was strongly in favor of this proposal. Most felt that this did not produce sufficient impact on admissions for the dollars, taking into consideration the number of care coordinators already available in the community. After considerable discussion a decision was reached that BHHF would accept proposals from the Providers for programs involving acute co-occurring/substance abuse treatment and crisis intervention with a focus on emergency rooms in hospitals. Jennifer Wagner also requested that as these proposals are made to the department, Parties receive copies and information as it is updated.

II. BHHF REPORT

Vickie Jones informed the Parties that the Substance Abuse Task Force meetings were continuing to be a success, and that the findings and recommendations of a four-state (OH, KY, WV and TN) committee would be formalized into a report to be sent to the Governor no later than January 1, 2012. She also stated that the Mental Health Plan meetings were continuing, and that a comprehensive plan would be integrated with the Substance Abuse Plan at some point in the future. The Governor's Substance Abuse Task Force coordinating committee will be meeting from one to four at the Bureau for Senior Services on December 5th, to put together final recommendations for the Governor's consideration.

David Sudbeck had received an email from a Health Services Worker at Sharpe complaining that he/she had not received the salary increases required in the Agreed Order and further complaining about mandatory overtime. Kevin indicated that he would report back to David by the end of the day so that David can respond to the complaint.

III. PETITIONER REPORT

Jennifer Wagner inquired as to the status of the TBI Trust Fund legislation. The bill introduced in the last Legislative session unfortunately did not pass but Sheila pointed out that it will automatically be reintroduced this coming session. Vickie felt that the Department again intends to support the bill, but deferred further questions to Susan Perry, Deputy Secretary, DHHR, who is better able to respond to this issue.

IV. BMS REPORT

Cindy Beane reported that BMS was answering questions and comments from CMS regarding the TBI Waiver. None of the questions or concerns has been challenging and she hopes to obtain approval in the near future. The contractors for provision of services in this waiver have been identified and are simply awaiting final approval by CMS.

V. SPECIAL ASSISTANT REPORT

Sheila stated that the Court Monitor's Office had received a letter from Bob Hansen of the Pretera Center asking for corrections to the minutes of the prior meeting on two issues. She researched the two issues and now reports the following:

She had previously stated that the majority of Pretera's charity care had been used last fiscal year to fund ACT and CSU. This is not the case: only 45% of the Center's charity care funds had been used for those purposes, according to Pretera's financial reports.

Secondly, the providers had complained in a prior letter that a substantial amount of funding had been removed from the substance abuse treatment system last year when BHHF did not re-fund the Suboxone Treatment program. In reality, the original Robert Wood Johnson grant facilitating the development of Suboxone Treatment Programs had been awarded to four Centers with Pretera serving as the fiscal agent for the four. The Department had added an additional \$75,000 in FY 2008-2009 to support physician's expenses, medications and urine screens for uninsured individuals participating in the RWJ programs. The BHHF money was not spent by the end of the fiscal year (only \$21,500 had been distributed) and therefore the remaining funds, \$53,477, were made available in the subsequent fiscal year. Only \$15,007 of that funding was spent in the FY 2009-2010, and therefore the funding was discontinued at the same time that the RWJ grant to Pretera ended.

VI. OTHER

Next Meeting: Wednesday, January 18, 2012
10:00 a.m.-12:00 noon
Covenant House
600 Shrewsbury Street, Charleston, WV 25301